IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 6TH JUNE 2007 / 16TH JYAISHTA 1929

OP.No. 7676 of 2001(L)

PETITIONER:

SALLY, M.C., W/O. GEORGE, AGED 58 YEARS,
PROPRIETOR, M/S. PETITE TIT BITS, M.C. HAVEN, P.O.B.MC.
KAKKANAD, ERNAKULAM.

BY ADV. SRI.T.O.XAVIER

RESPONDENTS:

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1. FEDERAL BANK LTD., BROADWAY BRANCH,
ERNAKULAM 31, REPRESENTED BY MANAGER.

2. DEPUTY TAHSILDAR (RR), KANAYANNUR TALUK, ERNAKULAM.

3. DISTRICT COLLECTOR, ERNAKULAM.

R1 BY ADV. SRI.VARGHESE C.KURIAKOSE
SRI.K.C.ELDHO
SRI.GEORGE VARGHESE (MANACHIRACKEL)
R2 AND R3 BY GOVERNMENT PLEADER SRI. MOHAMMED RAFFIQ

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 06/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP 12555 OF 2001 IN OP 7676OF 2001

DISMISSED

6.6.2007 SD/-C.N.RAMACHANDRAN NAIR, JUDGE.

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF REVENUE RECOVERY NOTICE DATED 8.2.2001 ISSUED BY THE DEPUTY TAHSILDAR.

RESPONDENTS' EXHIBITS: NIL.

TRUE COPY

P.S. TO JUDGE.

C.N.RAMACHANDRAN NAIR,J.

O.P. NO. 7676 OF 2001

Dated this the 6th day of June, 2007

JUDGMENT

O.P. is pending for the last over six years. In fact, since petitioner did not comply with interim order, this Court had vacated the stay order. If recovery is not made inspite of vacating stay, then it is the reflection of the performance of the recovery authorities. The Bank is free to complain against the recovery authorities before the higher authorities in the Government. Liability is also not disputed. If recovery is not made, the first respondent-Bank is directed to grant OTS benefit to the petitioner, if the petitioner remits balance liability exclusive of incentives within two months from today. In any case, if petitioner makes payment within two months from today, the Bank will waive at least penal interest and default interest if incentives granted under OTS scheme are not favourable to the petitioner.

O.P. is disposed of as above.

(C.N.RAMACHANDRAN NAIR)
Judge